

TOWNSEND  
and  
TOWNSEND  
and  
CREW  
LLP

RECEIVED  
CENTRAL FAX CENTER

JUN 03 2004

OFFICIAL

FACSIMILE COVER SHEET

Palo Alto, California  
Tel 650 326-2400

Walnut Creek, California  
Tel 925 472-5000

San Diego, California  
Tel 858 350-6100

Denver, Colorado  
Tel 303 571-4000

Seattle, Washington  
Tel 206 467-9600

San Francisco

Two Embarcadero  
Center  
Eighth Floor  
San Francisco  
California 94111-3834  
Tel 415 576-0200  
Fax 415 576-0300

Date: June 03, 2004

Client &amp; Matter No. 014058-013300US

No. Pages (including this one): 6

To: Commissioner for Patents  
Alexandria, VA 22313-1450

At PTO Fax Number: 703-872-9302

Confirmation Phone Number:

From: Joel G. Ackerman

(4057)

In re application of: Sally Mossman, et al.

Application No.: 10/068,171

Filed: February 4, 2002

For: IMMUNOSTIMULANT COMPOSITIONS COMPRISING AMINOALKYL GLUCOSAMINIDE

Examiner: Wang, Shengjun

Art Unit: 1617

A Notice of non-responsiveness was issued regarding this application on January 22, 2004. Applicant's amendment, Provisional Election of Species, responding to the Office Action was mailed to the USPTO on February 10, 2004. In reviewing the status of this application through the PAIR Patent Application Information Retrieval system, it appears that the last Date of Status by the USPTO was January 20, 2004. And, in the File History section it appears that the USPTO did not receive our amendment. We anticipate that we should have received a notice or another related paper to that effect by now. To date, Applicant's attorney has not received any communication from the USPTO since the mailing of the amendment on February 10, 2004.

Accordingly, we are faxing you a copy of Applicant's amendment, Provisional Election of Species, which includes an executed Certificate of Mailing, together with a copy of our self-addressed postcard acknowledging receipt by the USPTO on February 13, 2004.

Please review your file and make the necessary entry in your records to allow this application to be processed for patent issuance. If a telephone conversation would be appropriate to further the prosecution of this application, please telephone the undersigned.

Respectfully submitted,  
Joel G. Ackerman  
Reg. No. 24,307  
Attorneys for Applicant

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) including attachments are being facsimile transmitted to the Patent and Trademark Office on June 3, 2004.

By:

Lois M. Simón

Original Will:

BE SENT BY MAIL

BE SENT BY FEDEX/OVERNIGHT COURIER

BE SENT BY MESSENGER

X

NOT BE SENT

Faxed:

Return to: Lois Simón - (4105)

If you have problems with reception please call Fax Services at extension 4659

**Important**  
This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

60231104 v1

**FACSIMILE COVER SHEET – Continued**

**Page 2**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

**TO THE U.S. PATENT AND TRADEMARK OFFICE**

Please stamp the date of receipt of the following document(s) and return this postcard to addressee.

In re application of: Sally Mossman, et al

Application No.: 10/068,171

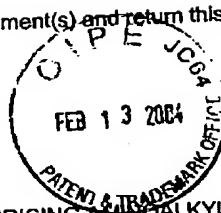
Filed: February 4, 2002

For: IMMUNOSTIMULANT COMPOSITIONS COMPRISING AMINOALKYL  
GLUCOSAMINIDE PHOSPHATES AND SAPONINS

Documents attached:

☒ Amendment

☐ Other: \_\_\_\_\_



Mailing Date: February 10, 2004  
Attorney: Joel G. Ackerman / Is  
Docket No. 014058-013300US

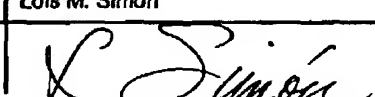
PTO/SB/21 (08-03)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/068,171	
	Filing Date	February 4, 2002	
	First Named Inventor	Mossman, Sally	
	Art Unit	1617	
	Examiner Name	Wang, Shengjun	
Total Number of Pages in This Submission	3	Attorney Docket Number	014058-013300US

**OFFICIAL**

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Return Postcard Provisional Election of Species
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Joel G. Ackerman Reg. No. 24,307
Signature	
Date	February 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Lois M. Simón		
Signature		Date	February 10, 2004

60138657 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On February 10, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lois M. Simon

PATENT  
Docket No.: 014058-013300US  
Client Ref. No.: 208

RECEIVED  
CENTRAL FAX CENTER  
JUN 03 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sally Mossman  
Lawrence S. Evans  
Jory R. Baldridge

Examiner: Wang, Shengjun

Art Unit: 1617

PROVISIONAL ELECTION OF SPECIES

Patent No.:

Issued:

Application No.: 10/068,171

Filed: February 4, 2002

For: IMMUNOSTIMULANT  
COMPOSITIONS COMPRISING  
AMINOALKYL GLUCOSAMINIDE  
PHOSPHATES AND SAPONINS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of non-responsiveness dated January 22, 2004 in the above Application, Applicants make the following provisional election of species.

As the species of AGP, Applicants elect the compound designated B19, described on page 26 of the specification, namely 2-[(R)-3-tetradecanoyloxytetradecanoylamino]ethyl 2-Deoxy-4-O-phosphono-3-O-[(R)-3-tetradecanoyloxytetradecanoyl]-2-[(R)-3-tetradecanoyloxytetradecanoylamino]-β-D-

Sally Mossman, Lawrence S. Evans, Jory R.  
Baldrige  
Application No.: 10/068,171  
Page 2

PATENT

glucopyranoside triethylammonium salt. This corresponds to a compound having the structure set forth in Formula (Ia) in which  $R_1=R_2=R_3=n\text{-C}_{13}\text{H}_{27}\text{CO}$ ,  $X=Y=\text{O}$ ,  $n=m=p=q=0$ ,  $R_4=R_5=R_6=R_7=R_9=\text{H}$ , and  $R_8=\text{PO}_3\text{H}_2$ .

As the species of saponin, Applicants elect Quil A.

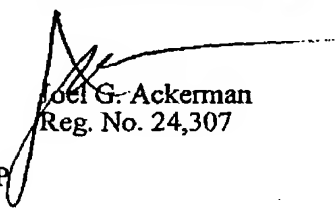
As the species of antigen, should Applicants' traverse be successful, Applicants elect the antigen rDPV (rMtb8), a recombinant polypeptide antigen from *M. tuberculosis*, which is described in Example 1.

All the above elections are made provisionally, and strictly for the purpose of enabling the Examiner to commence examination of claims in this Application, and do not represent any agreement of Applicants to the limitation of claims to such species. Applicants consider that they are entitled to generic claims in this application so long as such are patentable over the art, and do not agree to limit claims to the elected species.

Applicants request the Examiner to initiate examination of the elected claims, including those whose restriction was traversed in the previous response.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

  
Joel G. Ackerman  
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JA:ja

60138422 v1